

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

RICKY WADE DAVIS, #173073)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 2:06-CV-10-MEF
)	
SGT. BRYANT, <i>et al.</i> ,)	
)	
Defendants.)	

ANSWER TO PLAINTIFF'S AMENDED COMPLAINT

COMES NOW, the Defendant, **Richard Allen**, and in accordance with this Honorable Court's Order of January 9, 2007, does hereby submit the following Answer to Plaintiff's Amended Complaint.

1. Defendant admits that Plaintiff was taken from his cell and escorted to the segregation lobby, but denies the remaining allegations in Ground One of Plaintiff's Amended Complaint and demands strict proof thereof.
2. Defendant denies that Plaintiff is denied his medicine bag, and denies the remaining allegations in Count Two of Plaintiff's Amended Complaint due to the dynamic nature of the classification of the prisoner Plaintiff. (See Ex. A of Special Report.)
3. Defendant denies violating Plaintiff's constitutional rights.
4. Defendant denies all allegations not expressly admitted herein.

DEFENSES

1. It is in Easterling's penological interest to segregate the Plaintiff from the general population due to Plaintiff's repeated violations of prison rules.
2. Defendant named in his official capacity is immune by virtue of sovereign immunity.
3. Defendant named in his individual capacity is immune by virtue of qualified immunity.
4. Defendant did not violate Plaintiff's constitutional rights under the First or Eighth Amendments of the Constitution of the United States.
5. Plaintiff has failed to allege facts sufficient to support an excessive force claim.
6. Plaintiff has failed to state a claim upon which relief can be granted.

RESPECTFULLY SUBMITTED,

TROY KING
ATTORNEY GENERAL
(KIN047)

s/ J. Matt Bledsoe _____
J. Matt Bledsoe (BLE 006)
ASSISTANT ATTORNEY GENERAL

ADDRESS OF COUNSEL:

Office of the Attorney General
11 South Union Street
Montgomery, AL 36130
(334) 242-7554
(334) 242-2433 (fax)

CERTIFICATE OF SERVICE

I hereby certify that I have, this the 5th day of February, 2007,
served a copy of the foregoing upon the Plaintiff, by placing same in the
United States Mail, postage prepaid and properly addressed as follows:

Mr. Ricky Wade Davis, #173073
Holman Correctional Facility
3700 Holman
Atmore, AL 36503

s/ J. Matt Bledsoe
J. Matt Bledsoe (BLE 006)
ASSISTANT ATTORNEY GENERAL